

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehringer@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-873

13 **SHERRI L. LARCH, AKA SHERRIE**
14 **LARCH**
15 **408 Townes Street**
16 **Greenville, SC 29601**

A C C U S A T I O N

17 **Registered Nurse License No. 556678**

Respondent.

18 Complainant alleges:

PARTIES

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about July 12, 1999, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 556678 to Sherri L. Larch, aka Sherrie Larch ("Respondent").
24 The Registered Nurse License expired on December 31, 2006, and has not been renewed.

JURISDICTION

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
27 indicated.
28

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
6 licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b)
7 of the Code provides, in pertinent part, that the Board may renew an expired license at any time
8 within eight years after the expiration.

9 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
10 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
11 disciplinary action during the period within which the license may be renewed, restored, reissued
12 or reinstated.

13 7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in
14 which a license may be renewed or reinstated:

15 “In the event a licensee does not renew his/her license as provided in Section 2811 of
16 the code, the license expires. A licensee renewing pursuant to this section shall
17 furnish a full set of fingerprints as required by and set out in section 1419(b) as a
condition of renewal.

18 (a) A licensee may renew a license that has not been expired for more than
19 eight years by paying the renewal and penalty fees as specified in Section 1417 and
providing evidence of 30 hours of continuing education taken within the prior two-
year period.

20 (b) A licensee may renew a license that has been expired for more than eight
21 years by paying the renewal and penalty fees specified in Section 1417 and providing
22 evidence that he or she holds a current valid active and clear registered nurse license
in another state, a United States territory, or Canada, or by passing the Board's current
examination for licensure.”

23 STATUTES

24 8. Section 2761 of the Code states, in pertinent part:

25 “The board may take disciplinary action against a certified or licensed nurse or deny an
26 application for a certificate or license for any of the following:

27 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

28

1 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
2 against a health care professional license or certificate by another state or territory of the United
3 States, by any other government agency, or by another California health care professional
4 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
5 action."

6 9. Section 2762 of the Code states, in pertinent part:

7 "In addition to other acts constituting unprofessional conduct within the meaning of this
8 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
9 chapter to do any of the following:

10 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
11 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
12 administer to another, any controlled substance as defined in Division 10 (commencing with
13 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
14 defined in Section 4022.

15 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
16 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
17 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
18 himself or herself, any other person, or the public or to the extent that such use impairs his or her
19 ability to conduct with safety to the public the practice authorized by his or her license."

20 **CONTROLLED SUBSTANCES**

21 10. Lortab, hydrocodone bitartrate and acetaminophen, is a Schedule II or Schedule III
22 controlled substance contingent upon the amount of dihydrocodinone present as set forth in
23 Health and Safety Code 11056 subdivision (e)(3)-(4) and a dangerous drug pursuant to Business
24 and Professions Code section 4022. Lortab is an opioid pain reliever used to treat moderate to
25 severe pain.

26 **COST RECOVERY**

27 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Discipline by the South Carolina Board)

7 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
8 (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was
9 disciplined by the South Carolina Department of Labor, Licensing, & Regulation, Board of
10 Nursing ("South Carolina Board") as follows:

11 13. On or about January 8, 2006, in a case entitled *In the Matter of Sherri L. Larch, RN*,
12 Case # NB-2005-87, License # 74882, the South Carolina Board and Respondent entered into a
13 Consent Agreement. In the Consent Agreement, it was ordered with Respondent's consent that:

14 (a) Respondent was to undergo a chemical dependency/substance abuse assessment
15 performed by the Recovering Professionals Program.

16 (b) Upon diagnosis of dependency and/or abuse, Respondent's license to practice
17 nursing in South Carolina was placed on suspension, with an immediate stay upon the
18 recommendation of the Recovering Professionals Programs and the concurrence of the Board.

19 (c) Respondent's license was placed on probationary status of not less than one (1)
20 year with terms and conditions.

21 14. The facts and circumstances underlying the Consent Agreement, to which
22 Respondent admitted, were that in February 2005, while employed at Greenville Memorial
23 Hospital in Greenville, South Carolina, Respondent diverted narcotic medications, specifically
24 Lortab, for her personal use.

25 15. On or about March 1, 2008, in a case entitled *In the Matter of Sherri L. Larch, RN*,
26 74882, the South Carolina Board issued an Order to Reinstate License. The Order to Reinstate
27 License was based on the following:
28

1 (a) On or about January 8, 2006, Respondent's license to practice nursing was
2 placed on suspension with an immediate stay, resulting in a probationary period of not less than
3 one (1) year and upon compliance with certain terms and conditions.

4 (b) Respondent understood and agreed that she was required to be an active
5 participant in the Recovery Professional Program for the remainder of her contract.

6 (c) Respondent made an application for rescission of her probation and full
7 reinstatement of her license.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Obtain or Possess Controlled Substances)

10 16. Respondent is subject to disciplinary action under Code section 2762, subdivision (a)
11 on the grounds of unprofessional conduct in that Respondent obtained or possessed in violation of
12 the law a controlled substance, to wit, Lortab.

13 (a) The circumstances are that in February 2005, while employed at Greenville
14 Memorial Hospital in Greenville, South Carolina, Respondent diverted narcotic medications,
15 specifically Lortab, for her personal use.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Unlawful Use of Controlled Substances)

18 17. Respondent is subject to disciplinary action under Code section 2762, subdivision (b)
19 on the grounds of unprofessional conduct in that Respondent used a controlled substance, to wit,
20 Lortab, in a manner dangerous or injurious to herself, any other person, or the public or to the
21 extent that such use impaired her ability to conduct with safety to the public the practice
22 authorized by her license. Complainant incorporates by reference Paragraph 16, subparagraph
23 (a), above, as though fully set forth herein.

24 **PRAYER**


25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 556678, issued to Sherri
28 L. Larch, aka Sherrie Larch;

2. Ordering Sherri L. Larch, aka Sherrie Larch to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: April 8, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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